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10/723,747

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EXAMINER

TRAN, NGHI V

ART UNIT

PAPER NUMBER

2151

MAIL DATE

DELIVERY MODE

01/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,747

Applicant(s)

LEE, AARON,

Examiner

Nghi V. Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on October 15, 2007.
NO claims have been amended. No claims have been canceled. Claims 27-29 have been added. Therefore, claims 1-29 are presented for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., United States Patent Application Publication Number 2004/0001565 (hereinafter Jones), in view of Robinson et al., United States Patent Application Publication Number 2005/0060365 (hereinafter Robinson).
4. With respect to claim 1, Jones teaches a system to provide automated services to plurality devices in a network environment [fig.1 and paragraphs 0018-0026], comprising:
 - a device agent [= sync agent **125**] residing on each of the plurality devices [= clients **115**] [fig.1];

- a device communicator to register [= the end-user can subscribe, see paragraphs 0004-0007] and a synchronize the devices [= a portlet data synchronization] via each of the device agents [paragraphs 0008-0014]; and
- a portal server [= portal server **120**] to interface multiple content sources on behalf of the devices, wherein the devices communicate with the portal server via each of the device agents and the device communicator [fig.2].

However, Jones does not explicitly show providing services to heterogeneous devices.

In a communication system, Robinson discloses synchronizing heterogeneous devices [paragraph 0037 and 0057-0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Robinson by synchronizing heterogeneous devices because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

5. With respect to claim 2, Jones does not explicitly show wherein at least two of the devices support different protocols and connectivities.

In a communication system, Robinson suggests wherein at least two of the devices support different protocols [paragraphs 0023, 0053, and 0100] and connectivities [= wired, wireless, optical, inductive loop, paragraphs 0023 and 0053].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Robinson by supporting different protocol and connectivity because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

6. With respect to claim 3, Jones further teaches wherein the devices include at least one of a desktop computer, a laptop computer, a wireless device, a personal data assistant, a handheld GPS unit, an in-car navigation system, a cellular telephone, a digital camera, a MP3 player, a digital video recording device, a printer, and a home appliance having a processor [= client computing devices **115**].

7. With respect to claim 4, Jones further teaches wherein the services include at least one of downloading data and providing data synchronization [paragraphs 0008-0014].

8. With respect to claim 5, Jones further teaches wherein the services include at least one of locating a service provider, ordering at least one of a product and a service, purchasing at least one of the product and the service, locating a nearby service

establishment, downloading information, and updating information [paragraphs 0008-0014].

9. With respect to claim 6, Jones further teaches wherein the network environment includes at least one of a wired connection and a wireless connection [i.e. a computer communication network **105**].

10. With respect to claim 7, Jones further teaches wherein the network environment includes at least one of a personal area network, a local area network, and a wide area network [i.e. a computer communication network **105**].

11. With respect to claim 8, Jones further teaches wherein the device agent provides a single unified messaging interface [see Appendix A].

12. With respect to claim 9, Jones further teaches wherein the single messaging interface is one of an XML interface and a compressed XML interface [paragraph 0024].

13. With respect to claim 10, Jones further teaches wherein the single unified messaging interface allows future expansion capabilities without a fixed binding of a function call for an application programming interface [paragraphs 0022-0026].

14. With respect to claim 11, Jones further teaches wherein the device communicator is configured to store device capabilities during a registration of the devices [paragraphs 0004-0007].

15. With respect to claim 12, Jones further teaches wherein the device capabilities include a connectivity capability [i.e. a computer communication network **105**].

16. With respect to claim 13, Jones further teaches wherein the connectivity capability includes at least one of a ZigBee, a Bluetooth, an IrDA, a GPRS, a GSM, a CDMA, and an Ethernet capability [i.e. a computer communication network **105**].

17. With respect to claim 14, Jones further teaches wherein the device capabilities include at least one supported protocol [see Appendix A and paragraph 0024].

18. With respect to claim 15, Jones further teaches wherein the at least one supported protocol includes at least one of HTTP, FTP, SNMP, SOAP, XML, RMI, and IIOP/CORBA [see Appendix A and paragraph 0024].

19. With respect to claim 16, Jones further teaches wherein the device capabilities include at least one of a memory size, a screen size, a computing power, a storage capability, an audio capability, and a video capability [i.e. distributed in a personalized manner to a subscribing end-user, paragraphs 0004-0007].

20. With respect to claim 17, Jones does not explicitly show wherein the device communicator is configured to deliver software updates to the devices via the device agent.

In a communication system, Robinson suggests wherein the device communicator is configured to deliver software updates to the devices via the device agent [paragraphs 0037-0038, 0048, 0064, and 0102].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Salomon by configuring to deliver software updates to the devices via the device agent because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

21. With respect to claim 18, Jones does not explicitly show wherein the device communicator is configured to deliver the software updates when the device is available.

In a communication system, Robinson discloses wherein the device communicator is configured to deliver the software updates when the device is available [paragraphs 0037-0038, 0048, 0064, and 0102].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Salomon by configuring to deliver software updates when the device is available because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

22. With respect to claim 19, Jones further teaches wherein the portal server is configured to at least one of aggregate and cache data from the multiple content sources [fig.2 and paragraphs 0008-0014].

23. With respect to claim 20, Jones further teaches wherein the portal server is configured to maintain data persistency so that devices that are not always on have access to a most recent snapshot [paragraphs 0029].

24. With respect to claim 21, Jones further teaches wherein at least one of the multiple content sources resides on a wide area network [i.e. a computer communication network **105**] [fig.1].

25. With respect to claim 22, Jones further teaches wherein the at least one of the multiple content sources resides on the Internet [i.e. a computer communication network **105**] [fig. 1].

26. With respect to claim 28, Jones does not explicitly show wherein the device communicator resides on one of the heterogeneous devices.

In a communication system, Robinson discloses wherein the device communicator resides on one of the heterogeneous devices [paragraph 0037 and 0057-0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Robinson by synchronizing heterogeneous devices because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

27. With respect to claim 29, Jones does not explicitly wherein the heterogeneous devices are arranged as a peer-to-peer (P2P) network.

In a communication system, Robinson discloses wherein the heterogeneous devices are arranged as a peer-to-peer (P2P) network [= device-to-device, paragraph 0094] [paragraph 0037 and 0057-0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Robinson by arranged as a peer-to-peer (P2P) network because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

28. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., United States Patent Application Publication Number 2004/0001565 (hereinafter Jones), in view of Robinson et al., United States Patent Application Publication Number 2005/0060365 (hereinafter Robinson), and further in view of Jones, United States Patent Application Publication Number 2001/0032335 (hereinafter '335).

29. With respect to claims 23-26, Jones teaches a system to provide automated services to plurality devices in a network environment [fig.1 and paragraphs 0018-0026], comprising:

- a device agent [= sync agent **125**] residing on each of the plurality devices [= clients **115**] [fig.1];
- a device communicator to register [= the end-user can subscribe, see paragraphs 0004-0007] and a synchronize the devices [= a portlet data synchronization] via each of the device agents [paragraphs 0008-0014]; and

- a portal server [= portal server 120] to interface multiple content sources on behalf of the devices, wherein the devices communicate with the portal server via each of the device agents and the device communicator [fig.2].

However, Jones does not explicitly show providing services to heterogeneous devices.

In a communication system, Robinson discloses synchronizing heterogeneous devices [paragraph 0037 and 0057-0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Robinson by synchronizing heterogeneous devices because this feature may be transferred from one device to another heterogeneously [Robinson, paragraph 0058]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to synchronize between device with other devices in the service [Jones, paragraphs 0037].

Further, Jones in view of Robinson does not explicitly show registering each of devices via the device communicator to record device capabilities of each of the devices.

In a related art, '335 discloses registering each of devices via the device communicator to record device capabilities of each of the devices [paragraphs 0151 and 0170].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jones in view of Robinson, and further in view '335 by registering each of devices via the device communicator to record device capabilities of

each of the devices because this feature enable certain privileges and service capabilities ['335, paragraph 0151]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to define capabilities associated with that device ['335, paragraph 0170].

Response to Arguments

30. Applicant's arguments, see Applicant Remarks, filed October 15, 2007, with respect to the rejection(s) of claim(s) 1-29 under Jones in view of Salomon have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jones et al., United States Patent Application Publication Number 2004/0001565 in view of Robinson et al., United States Patent Application Publication Number 2005/0060365, and further in view of Jones, United States Patent Application Publication Number 2001/0032335.

Allowable Subject Matter

31. Claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

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32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner
Art Unit 2151

January 09, 2008


JOHN FOLLANSBEE
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